

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**IN RE: Matthew K. Randall**

**Case No. 12-35462**

**and**

**Chapter 7 (converted from Chapter 13)**

**Leslie R. Randall**

**Judge Guy R. Humphrey**

**Debtors.**

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**MOTION TO REDEEM PERSONAL PROPERTY (4-Wheeler)  
PURSUANT TO 11 U.S.C. § 722**

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Now come the Debtors, by and through counsel, and state the following:

1. Movants Matthew K. Randall and Leslie R. Randall are the Debtors in the above-captioned Chapter 7 case.
2. This matter is a core-proceeding.
3. Among the dischargeable consumer debts listed in the petition filed herein is a loan from HSBC Retail Services/Polaris, which is secured by a 2009 Polaris 4-Wheeler (the "ATV") owned by the Debtors.
4. The ATV is used by Debtors for personal and family purposes, helping collect wood to burn for fuel at their residence.
5. The liquidation value of the ATV is \$2,000.00.
6. The Chapter 7 Trustee has abandoned the ATV as of May 21, 2013.
7. Debtors wish to redeem the ATV pursuant to 11 U.S.C. § 722 by paying to the creditor \$2,000.00, the redemption value of the ATV, within thirty (30) days of the entry of an Order granting this Motion.
8. No assets of the estate will be used by the Debtors in redeeming this property.

WHEREFORE, the Debtors respectfully request that this Court order secured creditor HSBC Retail Services/Polaris, to remove and mark as satisfied any security interest in the Debtors' ATV upon payment to HSBC Retail Services/Polaris of \$2,000.00, and for such additional alternative relief as may be just and proper.

Respectfully submitted,

/s/ Gregory Turner, Esq.  
GREGORY TURNER, ESQ.  
Attorney for Debtors  
Ohio Bar No. 0073859  
207 South Main Street  
PO Box 339  
Englewood, Ohio 45322-0339  
Tel. (937) 832-0288  
Fax (866) 381-1473  
gturnerlaw@earthlink.net

**MEMORANDUM OF LAW**

11 U.S.C. § 722 provides that an individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primarily for personal, family or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 544 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien, as set forth in *In re Weathington*, 254 B.R. 895 (6<sup>th</sup> Cir. BAP (Ohio) 2000).

Therefore, Debtors request an Order that HSBC Retail Services/Polaris remove and mark as satisfied any security interest in the Debtors' ATV upon payment to HSBC Retail Services/Polaris of \$2,000.00 within thirty (30) days of said Order.

Respectfully submitted,

/s/ Gregory Turner, Esq.  
GREGORY TURNER, ESQ.  
Attorney for Debtors  
Ohio Bar No. 0073859  
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### **CERTIFICATE OF SERVICE WITH 21 DAY NOTICE**

Matthew K. Randall and Leslie R. Randall have filed a motion to redeem the 2009 Polaris 4-Wheeler in this bankruptcy case.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to United States Bankruptcy Court, Clerk's Office, 120 West Third Street, Dayton, Ohio 45402 OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the date set forth above.

You must also send a copy of your response either by (1) the court's ECF System or (2) regular U.S. Mail to Matthew K. Randall and Leslie R. Randall, 5255 Winterhill Court Tipp City, OH 45371, to Gregory Turner, TURNER LAW OFFICE, LLC, 207 South Main Street, P.O. Box 339, Englewood, OH 45322, and to all the parties named in the Certificate of Service below.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and the court may enter an order granting that relief without further hearing or notice.

/s/ Gregory Turner, Esq.  
GREGORY TURNER, ESQ.  
Attorney for Debtors  
Ohio Bar No. 0073859  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2013 a true copy of the foregoing “Motion to Redeem Personal Property (4-Wheeler) Pursuant to 11 U.S.C. § 722” to which this Certificate is attached has been served upon the following by ordinary U.S. Mail addressed to:

U.S. Trustee, 170 N. High Street, Suite 200, Columbus, OH 43215-2417

David L Mikel, Trustee, 210 West Main Street, Troy, OH 45373

Matthew K. Randall and Leslie R. Randall, 5255 Winterhill Court Tipp City, OH 45371

HSBC Retail Services, Dept. 7680, Carol Stream, IL 60116-7680

HSBC/Polaris, PO Box 15524, Wilmington, DE 19850

CAP1/Polaris, PO Box 30253, Salt Lake City, UT 84130

/s/ Gregory Turner, Esq.

GREGORY TURNER, ESQ.